

Honorable Brendan Carr
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Ex Parte Submission – Docket Nos. WT-17-79 and GN 17-83 – Accelerating Broadband Deployment and Inclusion In The City Of San Jose California

Dear Commissioner Carr:

As the City of San José (“City”) has previously told the Commission, it understands how inherently powerful technology can be to drive economic growth and competitiveness.¹ Broadband infrastructure is foundational to unlocking this economic potential and providing opportunities for San Jose’s local communities and public safety, economic development, health care, entertainment, and education.

To that end, the City launched a number of initiatives, among them a Broadband and Digital Inclusion Strategy, which included recommendations to speed broadband deployment through streamlining City processes, allowing for companies to work with a single point of contact to deploy small cells, and creating incentives for providers to invest in underserved areas of the community through the dynamic pricing of City infrastructure assets.

Throughout this process, the City has recognized that working together with broadband and broadband infrastructure providers is the only way it would be able to provide high quality service to its residents and bridge the digital divide. In the City’s experience, resolution of broadband deployment issues can and should be through a collaborative – not a preemptive – process; rather, one that balances the interests and obligations of the municipality and its citizens with those of the service providers seeking access to public assets.

In that vein, the City is pleased to report to you, as the leader of the Commission’s regulatory efforts to accelerate broadband deployment, that collaborative efforts with AT&T, Verizon and Mobilitie² have borne fruit. The City has reached separate agreements with those parties that will permit the installation of small cells on approximately 4,000 City-owned light poles throughout the City – the largest small cell driven broadband infrastructure deployment in any U.S. City. A copy of the June 15, 2018 announcement of these agreements, which have been approved by the City Council, is attached. As you will see, each of the provider parties publicly endorsed these efforts as part of the announcement.³ In addition, copies of the agreements are being made publicly available through the Commission for consideration by other communities and

¹ *In the Matter of Accelerating Broadband Deployment*, GN Docket No. 17-83, Comments of the City of San Jose California, January 7, 2018 (“SJC Comments”).

² Mobilitie was among the first entities formally to raise concerns with the Commission about expediting broadband deployment. Petition For Declaratory Ruling, Mobilitie, LLC, November 15, 2016.

³ AT&T plans to begin introducing standards-based, mobile 5G service in San Jose in the first part of 2019.

providers.⁴ Of course, there is no “one size fits all” solution, but the approach of joint collaboration to agree upon mutual interest in accelerating broadband is a model that can be replicated nationwide. San José has shown that investment in capacity of local government and collaboration is much more effective than legislation and litigation.

The City is aware of course, based on your public comments, that the Commission expects to be considering the adoption of further measures in WT Docket No. 17-79 to address matters such as right-of-way fees, application processing timelines and moratoria as they relate to small cell deployment. It is not the City’s purpose to comment on those initiatives here.⁵

However, in taking such actions or adopting any rules, the Commission must avoid imposing any explicit or implicit preemptive requirements that might undermine or invalidate freely-negotiated, arms-length agreements (or any terms thereof) such as those successfully developed with AT&T, Verizon and Mobilitie for the City. The City respectfully submits that the Commission should be explicit that it is not disturbing such agreements.

Any action to the contrary would be wholly counterproductive to the Commission’s goal of “getting more broadband to more Americans”⁶ and would discourage collaborative efforts that could lead to more quickly reaching that objective in many locales. We respectfully hope that you would agree.

Respectfully submitted,



Sam Liccardo

Mayor of San José

cc: Chairman Ajit Pai

Commissioner Michael O’Rielly

Commissioner Jessica Rosenworcel

Rachel Bender

Erin McGrath

Will Adams

Umair Javed

Elizabeth Bowles

Lauren Love-Wright

Michael Zeto

Christos Karmis

⁴ FCC News Release, “Commissioner Rosenworcel Announces Availability Of Model Agreements For Small Cell Deployment,” June 27, 2018.

⁵ See e.g., Remarks of Commissioner Brendan Carr At The Above Ground Summit, Philadelphia, Pennsylvania, June 14, 2018. The City has previously expressed its views on some of these issues. See SJC Comments.

⁶ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, WT Docket 17-79, FCC 18-30, Statement of Commissioner Brendan Carr.

FOR IMMEDIATE RELEASE
JUNE 15, 2018

Media Contact: David Low, Office of Mayor Liccardo: 408-535-4840 or david.low@sanjoseca.gov

City of San Jose Announces Major Agreements with Verizon, AT&T & Mobilitie to Significantly Enhance Broadband Infrastructure in San Jose

Agreements represent the largest small cell deployment in any U.S. city, which will significantly improve coverage in San Jose and help facilitate future 5G deployments, while also generating \$24 million for the City's Digital Inclusion Fund

SAN JOSE, CALIF. – The City of San Jose has reached separate agreements with Verizon, AT&T, and Mobilitie to install small cells on approximately 4,000 City-owned light poles throughout San Jose – the largest small cell driven broadband infrastructure deployment in any U.S. city. The expected investment from these three companies in small cell installations, as well as hundreds of miles of fiber and other related infrastructure, will total over \$500 million of private sector investment in San Jose's broadband infrastructure.

The deployment of these small cells will help each company improve the quality of its wireless service and bring more choices for San Jose residents and businesses with services that will be 10 to 100 times faster than existing service in San Jose. In addition, the small cell deployments will help facilitate the future deployment of 5G and other next generation technologies that will support the large expected increase of connected devices and data volumes in the years ahead.

Through these agreements, the three companies will also collectively contribute approximately \$24 million over the next decade for the City's new Digital Inclusion Fund. The Digital Inclusion Fund was created by the City Council to support programs and initiatives that will help close the digital divide in San Jose, where more than 95,000 residents still lack access to broadband internet service at home.

"Upgrading San Jose's broadband infrastructure is key to building a smarter city, advancing our long term economic competitiveness, and connecting residents who lack access to affordable, high-quality internet service," said Mayor Sam Liccardo. "Through these agreements covering all three major carriers, we will both lay the groundwork for the future deployment of 5G service in our community and generate millions of dollars to fund our efforts to close the digital divide in San Jose."

"We hope that these public-private partnerships can serve as a national model for equitably deploying next generation broadband technologies in a way that puts the public's interest first," continued Liccardo.

Facilitating the development of a robust broadband infrastructure has been a core component of the city's Smart City Vision, which Mayor Liccardo unveiled in 2016. Through this work, the City has sought to advance three key objectives: 1) improving the quality of digital services available to San Jose residents and businesses, 2) providing a means to connect residents who remain on the wrong side of the digital divide, and 2) supporting the deployment of new technologies (like Internet of Thing (IoT) technologies) that the City hopes to leverage to improve safety, services, and quality of life.

- more -

Below are summaries of the three partnerships negotiated with the individual telecommunication companies:

- **Verizon:** Verizon plans to deploy small cells, install fiber, and upgrade several macro cell towers as part of the company's ongoing investments in its 4G LTE network. These wireless and fiber investments will support service to visitors, residents and businesses, and build the foundation for future advanced technologies. Additionally, Verizon is working with the City to pilot and deploy a number of smart city solutions focused on traffic management. Verizon will also help the City to advance digital equity through support of their newly established Digital Inclusion Fund.

"Verizon welcomes the opportunity to work with forward-thinking civic leaders, like Mayor Liccardo and the San Jose city council, to transform technology infrastructure to support the needs of citizens and businesses today and lay the groundwork for future innovation," said Lauren Love-Wright, Vice President Network Engineering at Verizon. "San Jose can be a model for other municipalities in both their support of innovation and investments in digital inclusion."

- **AT&T:** In April, AT&T and the City of San Jose announced a strategic collaboration for the deployment of small cells. Today, AT&T and the City are expanding their relationship to a full public-private partnership that will foster the creation of a Smart City and bolster San Jose's place as the most innovative city in the heart of Silicon Valley. AT&T plans to engage in a pilot with San Jose to trial a multitude of AT&T Smart Cities solutions, that may include LED Smart Lighting, public Wi-Fi, AT&T Digital Infrastructure and Structure Monitoring. AT&T will also be deploying thousands of additional small cells to enhance existing voice and data capacity while laying the foundation for standards-based mobile 5G service.

"As the leader in Smart Cities technology since 2015, we know connectivity is the foundation for innovation. San Jose will utilize our cutting-edge Smart Cities solutions to help create a more efficient, safer and sustainable environment for the people who live there," said Michael Zeto, VP of AT&T IoT and General Manager of Smart Cities. "And with this solid small cell foundation in place, AT&T plans to begin introducing standards-based, mobile 5G service in parts of San Jose in the first half of 2019 – creating the ultimate Smart City ecosystem."

- **Mobilitie:** Mobilitie will deploy small cells throughout San Jose to bring enhanced connectivity today to all residents, visitors and businesses, including those in traditionally under-served areas, as well as establish a foundation for 5G and next-generation wireless services in the future.

"5G and the Internet of Things will have a tremendous economic impact, and we commend San Jose for taking action to move infrastructure forward and lay a foundation for next-gen wireless services in the Bay Area, a hotbed of intellectual capital in this country," said Christos Karmis, President and CEO of Mobilitie.

Additional information is available in the respective staff reports for each agreement:

- [Verizon agreement](#)
- [AT&T agreement](#)
- [Mobilitie agreement](#)

"We're thrilled to enter these premier partnerships with AT&T and Verizon to create Smart City Innovation Zones, which make it possible for the City to pilot, learn, and scale solutions that will benefit San Jose residents, businesses, and guests," said Dolan Beckel, the City of San Jose's Director of Innovation. "Through these innovation zones, we'll take important steps towards improving mobility, transportation, and parking throughout San Jose, as well as increasing public safety, energy efficient lighting, community Wi-Fi, and connectivity and device support for our digitally underserved communities."

The City Council will consider these agreements at its June 26 meeting. According to the terms of the lease agreements, each company will be required to comply with the City's public noticing process before installing a small cell on any of the City's light poles. Each small cell will also have to meet the City's established design standards, which restrict the size and placement of each installation ([view an image of a standard design for one of these small cell installations](#)).

The City has also initiated work on creating a strategic plan for its Digital Inclusion Fund and is scheduled to return to the City Council later this year to present its recommendations on potential investments and spending priorities for the Digital Inclusion Fund.

"Ensuring all our residents, especially our youth, have access to the Internet to learn, grow, and develop skills for the jobs of tomorrow is imperative to combatting growing inequality in our city," said Shireen Santosham, Chief Innovation Officer for Mayor Liccardo. "The Digital Inclusion Fund offers critical resources to close the connectivity, device, and digital literacy gaps in the city that will ultimately expand opportunities and make our community stronger."

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